

nonfamily members so designated must be approved under paragraph 3-17 of this regulation.

b. Installations located in foreign countries must adhere to applicable host nation laws, SOFAs, and other international agreements.

c. When both husband and wife are members of a Military Service, retention of Government housing is authorized for the spouse with or without family members during a dependent-restricted tour.

d. Soldiers who retain housing during a dependent-restricted tour and are subsequently assigned to another CONUS, Hawaii, or Alaska installation upon completion of the tour, must terminate housing within 30 days after returning to the United States. Installation commanders may grant up to 60 additional days occupancy when Government housing will be available at the new duty station within 90 days of return.

e. Housing may be terminated by the installation commander if a sponsor extends the dependent-restricted tour.

f. Personnel listed below will not be authorized to retain currently assigned Government family housing. However, they will be eligible for priority assignment to other family housing at the same installation.

(1) Those occupying housing designated for the incumbents of specific duty positions.

(2) Those occupying housing reserved for service school attendees.

(3) Those occupying housing reserved for staff and faculty members at the U.S. Military Academy or the U.S. Army War College.

g. Exceptions to installation participation in retention of housing for sponsors serving dependent-restricted tours will be considered on a case-by-case basis. Requests will be forwarded through command channels to DAPE-HR-PR, DCSPER, 300 Army Pentagon, Washington, DC 20310-0300 for consideration.

3-22. Termination of housing occupied by civilians

a. Civilians will terminate housing under the conditions below.

(1) Employment or contract with DOD is terminated.

(2) Housing is no longer excess to the needs of the installation.

(3) Conditions of eligibility cease.

(4) When 5-year limitation of occupancy in overseas area expires except where housing is excess.

(5) Misconduct of sponsor, family members, or approved non-family members.

b. Written notification to terminate will be provided a minimum of 30 days prior to termination date. The notification will state the reasons for termination and the date the housing must be vacated.

c. OCONUS installation commanders may permit family members of civilian employees who are transferring within the same country to retain housing up to 90 days to preclude hardship. A written request must be submitted to the installation commander. Forfeiture of housing allowance or rental payment must continue.

3-23. Eviction and repossession of units

a. In the event a resident refuses to vacate family housing, installation commanders should first attempt all measures that are reasonable under the circumstances to make a peaceful recovery of the housing by nonjudicial means. Such measures may include counseling of the housing residents, assisting the housing residents to secure off-post housing, and referring the housing residents to charitable, religious, or social service organizations for assistance, as appropriate.

b. Installation commanders should consider the following circumstances in deciding what measures are reasonable under the circumstances:

(1) Whether there is a need for the housing to meet a higher priority requirement.

(2) Whether the resident was aware of the rules and regulations about family housing occupancy.

(3) Whether the resident faces special hardship by vacating the premises.

c. If taking such other measures does not result in the peaceful repossession of the housing, installation commanders should refer

the matter to their Staff Judge Advocate (SJA) or command legal counsel to determine whether legal proceedings, use of law enforcement authorities, or other measures are appropriate. In taking steps to initiate legal proceedings, the SJA or command legal counsel will follow the provisions of AR 27-40, chapter 4. (MACOM commander may not grant exceptions.)

Section V

Commercial Endeavors in Government Family Housing

3-24. Policy

Installation commanders are authorized and encouraged to permit limited commercial activities such as handicrafts, child care, and sale of products by sponsors and/or family members in Government-controlled family housing. In foreign areas, family housing residents may be subject to local host nation requirements as well as SOFA and customs regulations.

3-25. Establishment and operation

a. Requests for permission to conduct a home enterprise will be made in writing to the installation commander or his or her designee. Prompt action will be taken on each request and a written response provided. In reviewing requests, installation commanders will ensure that commercial endeavors are consistent with Federal, State, and local laws. Commanders should obtain assistance from the installation SJA. Additionally, the commander will consider local government licensing requirements, potential government liability, SOFA, host country business practices, and prospective advertising practices. Home enterprises cannot compete with or duplicate IMWRF or AAFES sales and services. In no instance will activities be authorized or continued when they will interfere with community tranquility or present safety hazards.

b. Structural changes to family housing are not authorized except in instances where Family Child Care homes must be upgraded to meet National Fire Protection Association (NFPA) 101 standards for a 1-hour fire barrier between mixed occupancies. In these cases, the cost for upgrading the walls will be borne by AFH or OMA. In all other cases, when practical and feasible, commanders should allow residents to make minor modifications. The costs of such modifications and restorations, if required, will be borne by the sponsor. (See para 7-25.)

c. Cost of utilities will be reimbursed to the Government at a rate jointly established by a representative of the installation commander and the sponsor. Charges may be waived when they are minimal and in the opinion of the installation commander reimbursement is not warranted.

Section VI

Eligibility, Assignment, and Termination of Permanent Party UPH

3-26. Categories of permanent party UPH

a. *Senior officer quarters (SOQ).* Housing designated for use by officers in grade of colonel(06) and above.

b. *Officer quarters (OQ).* Housing designated for use by officers in grade lieutenant colonel (05) through 2d lieutenant (01) and warrant officers.

c. *Senior enlisted quarters (SEQ).* Housing designated for use by enlisted personnel in grades sergeant major (E9) through sergeant first class (E7).

d. *Enlisted quarters (EQ).* Housing designated for use by enlisted personnel in grades staff sergeant (E6) and below (excluding trainees).

e. *Trainee barracks.* Housing designated for use by personnel in basic combat training (BCT) and one-station unit training (OSUT).

f. *Reserve Component support housing.* Housing designated for use by RC personnel.

3-27. Priorities of assignment

a. Priorities of assignment will be made per table 3-4. (Table 3-4 is located at the end of this chapter.)